

AGENDA

**BOARD OF ZONING APPEALS
DECEMBER 20, 2005**

**COUNCIL CHAMBERS
7:30 P.M.**

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES – MEETING OF NOVEMBER 15, 2005

RENEWAL ITEMS

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #5

ITEM #3 – RENEWAL REQUESTED. TROY CHRISTIAN CHAPEL, 400 E. LONG LAKE, for renewal of relief to maintain a fence and landscaped berm in lieu of the required 4'-6" high masonry-screening wall along a portion of the south and west property lines that abut residential zoning.

SUGGESTED RESOLUTION. MOVED, to grant Troy Christian Chapel, 400 E. Long Lake, a three (3)-year renewal of relief to maintain a fence and landscaped berm in lieu of the required 4'-6" high masonry-screening wall along a portion of the south and west property lines that abut residential zoning.

ITEM #4 – RENEWAL REQUESTED. COMMUNITY BOWLING CENTERS, 1950 E. SQUARE LAKE, for renewal of relief to maintain a 6' high earth berm in lieu of the 6' high masonry-screening wall required at the west property line, which abuts residential zoning.

SUGGESTED RESOLUTION. MOVED, to grant Community Bowling Centers, 1950 E. Square Lake, a three (3)-year renewal of relief to maintain a 6' high earth berm in lieu of the 6' high masonry-screening wall required at the west property line, which abuts residential zoning.

ITEM #5 – RENEWAL REQUESTED. ST. LUCY CROATIAN CATHOLIC CHURCH, 200 E. WATTLES, for renewal of relief of the required 4'-6" high masonry screening wall along the east and west sides of off-street parking where this property abuts residential zoned property.

ITEM #5 – con't.

SUGGESTED RESOLUTION. MOVED, to grant St. Lucy Croatian Catholic Church, 200 E. Wattles, a three (3)-year renewal of relief of the required 4'-6" high masonry screening wall along the east and west sides of off-street parking where this property abuts residential zoned property.

POSTPONED ITEMS

ITEM #6 – INTERPRETATION REQUEST. JLJ INVESTMENTS, LLC, 4048-4060 ROCHESTER ROAD, for an interpretation, per Section 43.75.00 of the Zoning Ordinance, that a facility that provides for the sales, rental, and service of musical instruments along with music lessons is a permitted use in the B-1 (Local Business) Zoning District.

The Building Department is in receipt of a letter from the Petitioner asking that this item be withdrawn.

PUBLIC HEARINGS

ITEM #7 – VARIANCE REQUEST. LAHKMAN AL-HAKIM, 1553 E. MAPLE, (PROPOSED ADDRESS), for relief of the Ordinance to construct a new hotel on a B-3 zoned parcel that is 2.5 acres in size where Paragraph B of Section 22.30.03 requires a minimum 3 acre parcel; and, also to have the "tower" portion of the building 52'-6" high, where Section 30.20.06 limits the height of buildings to no more than 40'.

ITEM #8 – VARIANCE REQUEST. CHRISTOPHER ENRIGHT ARCHITECTS, 1600 WEST MAPLE, for relief of the Ordinance to alter an existing building. The site plan submitted indicates that there is not a sidewalk provided along the northwest and a portion of the west side of the building. Section 39.70.03 requires that a 5' wide sidewalk be provided between the building face and a vehicular use area (parking or drive); and in addition, Section 40.25.03 requires a minimum 24' wide, two-way driveway width. The site plan submitted indicates that a portion of the drive adjacent to the boiler room will only be 20' in width.

ITEM #9 – VARIANCE REQUEST. PIERRE HARIK, 690 SYLVANWOOD, for relief of the Ordinance to split an existing parcel of land into two lots that will result in a lot width of 77.31' for each parcel. This property is located in the R-1C Zoning District. Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85' for single family homes in this Zoning District.

ITEM #10 – VARIANCE REQUEST. WILLIAM NICHOLS, 1080 MINNESOTA, to maintain a shed, constructed without first obtaining the necessary Building Permit, in the front yard setback along Wisconsin. Section 40.56.03 of the Ordinance prohibits the placement of an accessory building in the front yard.

.AGENDA EXPLANATION

BOARD OF ZONING APPEALS

DECEMBER 20, 2005

2. RESOLVED, that Items #3 through #5 (with the exception of Item(s)) are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by
Supported by

3. Troy Christian Chapel, 400 E. Long Lake. Petitioner is requesting renewal of a variance granted by this Board, since 1986, for relief to maintain a fence and landscaped berm in lieu of the required 4'-6" high masonry-screening wall along a portion of the south and west property lines that abut residential zoning. This relief was originally granted based on the fact that the abutting neighbors requested the berm and fence in lieu of the required masonry wall. This item last appeared before this Board at the meeting of December 2002 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. **MOVED**, to grant Troy Christian Chapel, 400 E. Long Lake, a three-year (3) renewal of relief to maintain a fence and landscaped berm in lieu of the required 4'-6" high masonry-screening wall along a portion of the south and west property lines that abut residential zoning.

- Conditions remain the same.
- We have no complaints or objections on file.

4. Community Bowling Centers, 1950 E. Square Lake. Petitioner is requesting renewal of a variance granted by this Board to maintain a 6' high earth berm in lieu of the 6' high masonry-screening wall required at the west property line which abuts residential zoning. This variance has been granted on a yearly basis since 1977, primarily because the adjacent residential property is used as a Church. This item last appeared before this Board at the meeting of December 2002 and was granted a three-year renewal. Conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. **MOVED**, to grant Community Bowling Centers, 1950 E. Square Lake, a three-year (3) renewal of relief to maintain a 6' high earth berm in lieu of the 6' high masonry-screening wall required at the west property line which abuts residential zoning.

- The adjacent property is used for a purpose other than a single-family residence.
- We have no objections or complaints on file.

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

DECEMBER 20, 2005

5. St. Lucy Croatian Catholic Church, 200 E. Wattles. Petitioner is requesting renewal of a variance granted by this Board for relief of the 4'-6" high masonry-screening wall along the east and west sides of their off-street parking. This relief was originally granted in 1993 based on the fact that the wall would serve no useful purpose. This item last appeared before this Board at the meeting of December 2002 and was granted a three-year (3) renewal at that time.

SUGGESTED RESOLUTION. MOVED, to grant St. Lucy Croatian Catholic Church, 200 E. Wattles, a three-year (3) renewal of relief to maintain a 4'-6" high masonry-screening wall along the east and west sides of their off-street parking.

- The adjacent property is used for a purpose other than a single-family residence.
- Conditions remain the same.
- We have no complaints or objections on file.

6. JLJ Investments, LLC, 4048-4060 Rochester Road. Petitioner is requesting an interpretation, per Section 43.75.00 of the Zoning Ordinance, that a facility that provides for the sales, rental, and service of musical instruments along with musical lessons is a permitted use in the B-1 (Local Business) Zoning District. The petitioners propose to open a Marshall Music store in the shopping center located at the northeast corner of Rochester Road and Wattles Road. The property in question is located within the B-1 Zoning Classification. Their proposed use has been determined to not be in compliance with the allowable uses in the B-1 District contained in Section 20.20.00 of the Troy Zoning Ordinance.

On November 21, 2005, City Council approved rezoning this property to the B-2 Zoning Classification and subsequently the petitioner has written a letter requesting this item be withdrawn.

7. Lahkman Al-Hakim, 1553 E. Maple. Petitioner is requesting relief of the Ordinance to construct a new hotel. The property in question is located in the B-3 (General Business) Zoning District. Paragraph B of Section 22.30.03 requires a minimum 3 acre parcel for hotels in the B-3 Zoning District. This parcel is only 2.5 acres in size.

In addition, Section 30.20.06 limits the height of buildings in the B-3 District to no more than 40' in height. The "tower" portion of the building is 51'-6" tall as measured by the Zoning Ordinance.

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

DECEMBER 20, 2005

8. Christopher Enright Architects, 1600 W. Maple. Petitioner is requesting approval to alter an existing building. This building, although originally designed and constructed as an industrial building, has recently, at the petitioner's request, been rezoned to the B-3 (General Business) Zoning District. Section 39.70.03 requires that a 5' wide sidewalk be provided between the building face and a vehicular use area (parking or drive). No such sidewalk is provided along the northwest and a portion of the west side of the building. In addition, Section 40.25.03 requires a minimum 24' wide, two-way driveway width. The site plan submitted indicates that the portion of the drive adjacent to the boiler room will only be 20' in width.

9. Pierre Harik, 690 Sylvanwood. Petitioner is requesting relief of the Ordinance to split an existing parcel of land into two lots that will result in a lot width of 77.31' for each parcel. This property is located in the R-1C Zoning District. Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85' for single-family home sites in this Zoning District.

10. William Nichols, 1080 Minnesota. Petitioner is requesting relief of the Ordinance to maintain a shed constructed in the front yard setback along Wisconsin. This lot is a double front corner lot. As such, it has a front yard setback along both Minnesota and Wisconsin. The site plan submitted indicates that a shed has been constructed without first obtaining the necessary Building Permit in the required front yard setback, 8 feet from the property line along Wisconsin. Section 40.56.03 of the Ordinance prohibits the placement of an accessory building in a front yard.